

Notice of Allowability

Application No.

09/411,407

Examiner

Adnan M. Mirza

Applicant(s)

STACHURA ET AL.

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/22/2007.
2. ☒ The allowed claim(s) is/are 1-3,5,7,27-30 and 32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JASON CARDONE
SUPERVISORY PATENT EXAMINER

Reasons for Allowance

1. Claims 1,2,3,5,7, 27-30, 32 will be allowed.
2. The following is an examiner's statement of reasons for allowance.

The prior art references most closely resembling the applicants claimed invention are Barker et al (U.S. 6363,421), Nouri et al (6,065,053) and Stevenson et al (U.S. 6,738,388).

First, Barker disclosed a method is provided for remotely managing a plurality of network element of a telecommunications network through a special communication link including a computer Internet such as a local area network, the World Wide Web or the Internet. However Barker failed to disclose the data control packet comprising one or more specified control operations to be performed on the client device when the client device is in a system hung state (claims1, 27).

Second Nouri disclosed a fault tolerant computer system for resetting s server through either a local or remote client machine. The remote machine accesses the server by use of dial-in modem connection, while the local machine accesses the server by a local serial connection. However Nouri did not disclose the data control packet comprising one or more specified control operations to be performed on the client device when the client device is in a system hung state (claims1, 27).

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Third Stevenson also failed to disclose the data control packet comprising one or more specified control operations to be performed on the client device when the client device is in a system hung state (claims 1, 27).

In summary, the Examiner submits that neither Barker, Nouri and Stevenson teaches all the limitations of independent claims in combination with other elements. Specifically prior art does not teach “the data control packet comprising one or more specified control operations to be performed on the client device when the client device is in a system hung state”; therefore, claims 1, 2-3, 5, 7, 27-30, 32 have been deemed allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adnan Mirza whose telephone number is (571) 272-3885. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jason Cardone, can be reached on (571) 272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are listed herein below.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)-746-7239.

Customer service number is (866) 217-9197.



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